



WP No.23478 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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P.Selvarajan : Petitioner

versus

- 1.The District Collector,
Salem District
- 2.The Commissioner,
Directorate of Town and Country Planning
Chengalparayan Building,
4th Floor, 807, Anna Salai,
Chennai 600 002
- 3.The Revenue Divisional Officer,
Attur, 636 102, Salem District
- 4.Project Director,
National Highways Authority of India,
Project Implementation Unit (NS)
D.No.212-3/D3-1, Sri Nagar Colony
Narasothipatti, Salem 636 004
- 5.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region, Sooramangalam,
Salem

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6.The Tahsildar,
Taluk Office, Attur, Salem

7.The Block Development Officer,
Panchayat Union Office,
Attur, 636 102, Salem

8.K.Natarajan

9.Sornalatha

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 and 5 to take action against respondents 8 and 9 as per Section 85 read with Sections 56 & 57 of the Town and Country Planning Act, 1971 in accordance with law and also direct the 7th respondent to take action as per Section 47A of the Town and Country Planning Act, 1971.

For the Petitioner : Ms.S.Sreenarmatha,
for Mr.K.Rajasekaran

For Respondents 1 to 3 : Mr.U.Baranidharan,
and 5 & 6 Additional Government Pleader

For Respondent No.4 : Mr.Su.Srinivasan

For Respondent No.7 : Mr.P.Muthukumar,
State Government Pleader

For Respondents 8 & 9 : Mr.A.Murugavel



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ORDER

(Made by the Hon'ble Chief Justice)

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We have heard Ms.S.Sreenarmatha, learned counsel for the petitioner; Mr.U.Baranidharan, learned Additional Government Pleader for respondents 1 to 3, 5 and 6, Mr.Su.Srunivasan, learned counsel for the fourth respondent, Mr.P.Muthukumar, learned State Government Pleader, for respondent no.7 and Mr.A.Murugavel, learned counsel for respondents 8 and 9.

2. It is submitted that 'no objection certificate' has not been issued by the eighth respondent for the construction of the structure near the national highway. Learned counsel for the petitioner relies on the reply issued by the National Highways Authority under the Right to Information Act.

3. The learned counsel appearing for the National Highways Authority submits that on 06.04.2022, the provisional permission is accorded for the proposal, upon the conditions enumerated therein.



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4. As already the provisional permission is accorded by the National Highways Authority, the relief claimed by the petitioner does not withstand.

5. The writ petition as such, is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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